

AMNESTY INTERNATIONAL PUBLIC STATEMENT

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RELEASE ACTIVIST SENTENCED AFTER UNFAIR AND POLITICALLY MOTIVATED TRIALS

Egyptian authorities must release arbitrarily detained prominent activist Ahmed Douma who was convicted and sentenced to 15 years' imprisonment in relation to his participation in anti-government protests in grossly unfair and politically motivated proceedings, said Amnesty International. Ahmed Douma's complaints about being tortured and otherwise ill-treated in pre-trial detention and following his conviction must be effectively and fully investigated with a view to bringing those responsible to justice. He must also receive full reparation for the serious human rights violations to which he has been subjected.

Thirty-one-year-old Ahmed Douma suffered from a catalogue of human rights violations namely being subjected to enforced disappearance, torture and other ill-treatment including prolonged solitary confinement for four years and eight months and deliberate denial of adequate health care, and unfair trial. Amnesty International believes that he is being targeted due to his political activism and prominent role in the 25 January 2011 uprising, and his vocal criticism of successive Egyptian governments.

Criminal proceedings against Ahmed Douma fell far short of international fair trial standards. Amnesty International found that violations to his right to a fair trial included denial of his rights to a fair and public hearing in front of a competent, independent and impartial tribunal; to adequate defence and equality of arms; to presumption of innocence; to examine, or have examined, witnesses against him; and to a genuine review. In convicting him, the courts refused to consider crucial exculpatory evidence and relied heavily on witness testimony by police officers and other government employees, in the absence of any audio-visual or other credible material evidence of his alleged involvement in violence.

Ahmed Douma is serving his sentence at the Tora Investigations (*Tahqiq*) Prison, after being convicted in connection to the authorities' violent dispersal of the sit-in staged by protesters outside the Cabinet Offices in central Cairo in December 2011 and ensuing clashes, [known as the "Cabinet events"](#). During these events that took place between 16 and 20 December 2011, [armed and security forces killed 18 protesters](#), injured more than 900 others and subjected several women to sexual and other gender-based violence. According to the ministry of interior, [126 members of the security forces were also injured](#) during the clashes. Security forces also arbitrarily arrested and detained hundreds in connection to the protests, many of whom complained of torture and other ill-treatment. On the other hand, not a single police or military officer has been held accountable for committing serious violations against protesters including unlawful killings, entrenching a climate of impunity and facilitating further violence against protesters.

The organization conducted interviews with eight individuals, including Ahmed Douma's lawyers, family members, and other informed sources who attended the trial hearings. In addition, Amnesty International examined his legal case file, court verdicts, written submissions by defence lawyers, news reports and audio-visual recordings of several hearings.

CRIMINAL PROCEEDINGS AGAINST AHMED DOUMA

On 12 January 2012, security forces arrested Ahmed Douma from his friend's house in Cairo. The next day, an investigative judge [ordered his 30-day detention](#) pending investigations on charges of "incitement to violence" and "assaulting police and armed forces" in relation to his participation in the Cabinet Offices sit-in and ensuing violence. Three months later, Ahmed Douma was provisionally released pending investigations. On 3 December 2013, security forces re-arrested him amid a wave of arrests in the aftermath of the enactment of the [draconian protest law](#) (Law No. 107/2013) restricting freedom of peaceful assembly. Ahmed Douma has been arbitrarily detained since then.

In February 2015, in a mass trial involving 268 other defendants, Circuit 5 of the Cairo Criminal Court convicted him of charges of "participating in a gathering that threatens public peace with the aim of assaulting the military and police

forces” and other offences, including disruption of traffic, unauthorized possession of objects used to attack people, throwing rocks and Molotov cocktails at public buildings and setting fire to the People’s Assembly in relation to his participation in the “Cabinet events”. The court sentenced him, alongside 229 other people, tried in their absence, to life imprisonment and fines of 17 million Egyptian pounds (US\$940,000). Another 39 defendants, who were children at the time of the “Cabinet events”, were also convicted and sentenced to ten years' imprisonment in their absence.

In October 2017, the Court of Cassation accepted Ahmed Douma’s appeal and ordered his re-trial before Circuit 11 of the Cairo Criminal Court. In January 2019, Circuit 11 of the Cairo Criminal Court convicted Ahmed Douma of the same charges but reduced his sentence to 15 years in prison and a fine of 6 million Egyptian pounds (US\$ 382,000). In both trials, he denied all charges stressing the lack of any credible evidence. The Court of Cassation upheld his sentence in July 2020. Ahmed Douma's only recourse now is to be released through a presidential pardon.

Ahmed Douma has already served a separate three-year prison sentence following his conviction by the Abdeen Misdemeanours Court over charges of participating in an "unauthorized protest" in November 2013. In relation to this case, [the UN Working Group on Arbitrary Detention](#) (UN WGAD) has found that Ahmed Douma's detention was arbitrary as it stemmed solely from his peaceful exercise of his human rights and followed criminal proceedings that failed to meet fair trial standards. The UN WGAD called for his immediate release and an enforceable right to remedy.

UNFAIR PROCEEDINGS AND LACK OF DUE PROCESS

Amnesty International’s research shows that Ahmed Douma’s right to a fair trial in the “Cabinet events” case was flagrantly violated in contravention to Egypt’s obligations under the International Covenant on Civil and Political Rights (ICCPR), including:

- the right to be tried by a competent, independent and impartial tribunal,
- the right to presumption of innocence,
- the right to a public hearing,
- the right to adequate defence,
- the right to examine, or have examined, the witnesses against him and to call witnesses on his behalf; and
- the right to a genuine review.

Amnesty International is concerned that the judicial proceedings against Ahmed Douma were politically motivated and intended to punish him for his activism including his role in the 25 January 2011 uprising. He was convicted of "participating in a gathering that threatens public peace with the aim of assaulting the military and police forces” and other violent offences, despite the absence of any credible evidence of engagement in violence, and the refusal of the courts to even consider crucial exculpatory evidence.

Both during his initial trial and re-trial, courts convicted him on the basis of the [draconian law on assembly \(Law No. 10/1914\)](#), which attributes criminal responsibility to all participants of a gathering of more than five people held with a purpose of “committing a crime, or obstructing or delaying the implementation of laws and regulations” or seeking to “influence the authorities” for any crimes committed during the gathering as long as participants were aware of its aim (articles 2 and 3 of Law No. 10/1914).

During the initial trial, Ahmed Douma was the only defendant to appear in court as the presiding judge, as well as Tora Police Institute guards, who control access to the courtroom, barred his co-defendants’ entry. The 268 co-defendants were not held in pre-trial detention and were all tried in their absence.

THE RIGHT TO BE TRIED BY A COMPETENT, INDEPENDENT AND IMPARTIAL TRIBUNAL

The presiding judges in Ahmed Douma's initial trial and re-trial have openly expressed their bias and hostility against him and “revolutionaries”, in reference to supporters of the 25 January 2011 uprising, and supported the claims of the prosecution and security forces, during court hearings before the verdicts were issued. The judge presiding over the initial trial went further in criticizing revolutionary forces in the media during the trial. Such statements also undermined Ahmed Douma’s right to presumption of innocence.

During the 12 November 2014 hearing of the first trial, one of Ahmed Douma’s lawyers requested that the court also considers evidence relating to the unlawful use of lethal force by military and security forces during the dispersal of the sit-in and the ensuing violence, referred to as "Cabinet events". The presiding judge Mohamed Nagy Shehata replied: [“Do you want military and police forces to be beaten up and just stand there and watch?”](#), and did not examine the relevant documents requested by the defence. According to a video recording of the hearing session, when the defence lawyer

requested to include this statement in the hearing records, the judge adjourned the session and threatened to refer the lawyer to the Public Prosecution.

In an interview with [Al-Watan Egyptian newspaper on 13 December 2015](#), while the trial was still ongoing, judge Mohamed Nagy Shehata further undermined his impartiality by boasting about being a former military officer and describing different opposition movements, including the 6 April Youth movement, which Ahmed Douma co-founded, as "advocates of chaos" spreading false claims about human rights violations. In that same interview, he denied allegations of torture against detainees.

During the 9 December 2014 hearing, Ahmed Douma referred to the judge's biased statements during hearings and complained about being denied access to adequate health care in prison (see below under *Cruel prison conditions*). He further expressed his concern that his trial was politically motivated and questioned the fairness of his trial proceedings. In response, presiding judge Mohamed Nagy Shehata sentenced him to an additional three years in prison and a fine of 10,000 Egyptian pounds (US\$550) on charges of "contempt of the court" during that same hearing. On 3 January 2018, the Maadi Misdemeanours Court in Cairo upheld his conviction on charges of "contempt of the court" and fined him. This conviction for expressing concerns about the impartiality of the court and flawed proceedings further undermines his right to presumption of innocence and demonstrates the judges' bias against him.

The judge presiding over the re-trial, Mohamed Sherin Fahmy, also openly expressed views hostile to opposition movements and activists at the forefront of the 25 January 2011 uprising. According to Ahmed Douma's lawyer, during the screening of a video depicting clashes between protesters and security and armed forces, the judge mockingly asked Ahmed Douma: "These are the revolutionaries?". During the issuing of the verdict, he questioned the revolutionaries' patriotism describing them as "intellectually defeated and socially bankrupt, who have no goal but to disturb society ... falsify facts and mislead the public consciousness". He further accused protesters of "luring the soldiers into attacking the protesters until they filmed scenes [the crackdown of the sit-in] denouncing this false attack", in reference to the grave human rights violations committed by security and military forces during the "Cabinet events" [documented by Amnesty International](#) and others including unlawful killings, sexual and gender-based violence, arbitrary arrests and detentions and torture and other ill-treatment.

In its General Comment 32, the UN Human Rights Committee clarified that the requirement of impartiality as stipulated in Article 14 of the ICCPR means that "judges must not allow their judgement to be influenced by personal bias or prejudice, nor harbour preconceptions about the particular case before them, nor act in ways that improperly promote the interests of one of the parties to the detriment of the other", conditions which were clearly not respected by presiding judges in the "Cabinet events" trial and re-trial.

Further, Ahmed Douma's trial and re-trial took place before dedicated judicial chambers established in 2014 to try individuals involved in anti-government protests or political violence. [These chambers have sentenced](#) hundreds of individuals to death or life imprisonment after grossly unfair mass trials that failed to ensure minimal fair trial standards. The establishment of these chambers was one of the measures taken by the Egyptian authorities since 2013 to [undermine the independence of the judiciary](#), in effect transforming courts into [tools of repression against critics of the government](#).

THE RIGHT TO A PUBLIC HEARING

Ahmed Douma was denied the right to a public hearing, an important safeguard of the proceedings' fairness for those facing criminal charges as well as society at large. Both trials took place at the Tora Police Institute inside the Tora Prison Complex, access to which is controlled by the police and other security forces under the ministry of interior. In both trials, judges and Tora Police Institute guards have denied access to Ahmed Douma's supporters and members of the public to trial sessions.

In the initial trial, the presiding judge Mohamed Nagy Shehata has further denied the attendance of Ahmed Douma's co-defendants, who were released pending investigations. According to written submissions by defence lawyers, reviewed by Amnesty International, some of the co-defendants and their lawyers repeatedly tried to attend the hearings and several filed complaints addressed to various judicial authorities, including the presiding judge. According to a complaint submitted on 9 April 2014, Tora Police Institute guards have verbally and physically assaulted two defendants, including a woman, for seeking to attend their own trial.

During the re-trial, judge Mohamed Sherin Fahmy only allowed journalists working for state-owned or pro-government media institutions to attend the hearings, while denying access to family members and supporters, and exceptionally allowed a public hearing when the verdict was issued.

THE RIGHT TO ADEQUATE DEFENCE AND EQUALITY OF ARMS

From his arrest in January 2012 until he was referred to trial in the “Cabinet events” case on 7 May 2012, Ahmed Douma had not been given comprehensive information about the exact nature of charges and evidence against him, hindering his lawyers’ ability to adequately prepare his defence, and flouting the fundamental principle of equality of arms between the prosecution and the defence, which requires that both parties have reasonable opportunity to prepare and present their case. The prosecution did not confront and interrogate Ahmed Douma about all the charges eventually levelled against him related to his participation in a “gathering that threatens public peace”, and did not present him or his defence with the incriminating and exculpatory evidence relevant to the case following his arrest and during the investigation phase before referring him to trial in May 2012.

During both trials, Ahmed Douma was held behind a dark glass screen, separating him from the rest of the courtroom at the Tora Police Institute, and was unable to adequately hear the proceedings and communicate with his lawyers during the hearings, further violating his right to adequate defence. According to a source who attended the hearings in the initial trial, his requests to the judge to step out of the glass dock during the hearings were ignored.

During his first trial, judge Mohamed Nagy Shehata referred five defence lawyers to the Public Prosecution for “disrupting court proceedings”, simply for defending their client, including requesting that biased statements made by the judge be recorded in the minutes of the session of 12 November 2014. On 22 November 2014, Ahmed Douma’s entire defence team withdrew from the case in protest, citing the court’s refusal to hear their defence and rejecting their request to consider evidence related to investigations, ongoing at the time, into the conduct of the armed and security forces during the Cabinet Offices sit-in and clashes. The defence team considered that combining the investigations – into violations committed by armed and security forces and protesters’ alleged violence – was crucial to contextualise the events and hold perpetrators accountable. The defence team also protested the judge’s evident bias and statements he made in court and in the media undermining the defendant’s presumption of innocence.

The Lawyers’ Syndicate [issued a statement](#) supporting Ahmed Douma’s lawyers and called on syndicate members to boycott judge Mohamed Nagy Shehata’s trials. In response, the court referred the head of the Lawyer’s Syndicate to the Public Prosecution for “contempt of the court”.

Following the withdrawal of Ahmed Douma’s defence in protest, the court appointed a lawyer to represent him on 9 December 2014. According to an informed source, Ahmed Douma rejected the delegated lawyer and abstained from defending himself in court, expressing his belief that the outcome of the verdict was predetermined.

THE RIGHT TO CALL AND EXAMINE WITNESSES AND OVER-RELIANCE ON WITNESS TESTIMONY BY OFFICIALS

According to information gathered by Amnesty International including its review of the verdicts, both tribunals heavily relied on the testimonies of police officers and other government employees to convict Ahmed Douma. Further, both tribunals have violated, on several occasions, the defence’s right to call and examine witnesses.

During the initial trial, judge Mohamed Nagy Shehata denied the defence’s requests to call and examine some of the prosecution witnesses on the grounds that their places of residence were unknown. The reason was challenged by the defence as these witnesses were public officials and called on the prosecution to reveal their places of residence and on the court to summon them. The presiding judge also denied the defence requests to call witnesses on Ahmed Douma’s behalf. During the re-trial, the defence team requested to call former Minister of Interior Mansour El-Eissawy to question him on the decision to disperse the sit-in. Judge Mohamed Sherin Fahmy rejected the request without providing any explanation. Further, he asked witnesses leading questions in relation to Ahmed Douma’s alleged involvement in the protest violence which undermined the presumption of innocence. For instance, he frequently asked the witnesses about Ahmed Douma’s reasons for committing offences during the unlawful gathering.

In their testimonies during both trials, several police officers referred to unspecified information contained in “secret investigations” as evidence of Ahmed Douma’s involvement in violence that neither he nor his lawyers were allowed to access.

While heavily relying on witness statements by police officers and other officials, the presiding judges during both the initial trial and the re-trial ignored defence requests to include as evidence [the report by the fact-finding committee](#) established by former President Mohamed Morsi to investigate human rights violations committed between 25 January 2011 and his election in June 2012 (presidential decision No. 10 of 2012) and the investigations of the military prosecution into the killing and injury of protesters, as well as other violations committed during the “Cabinet events.”

A defence lawyer told the organization that the failure of the judicial authorities to bring to account members of the armed and security forces for crimes committed during the dispersal of the protests further showed the bias of the courts, and their intent to punish protesters and other supporters of the 25 January 2011 uprising and enshrine impunity for members of the security and armed forces.

To date no members of the security and military forces reasonably suspected of [committing gross human rights violations in the context of the crackdown on the sit-in](#), including killing at least 18 people and injuring hundreds, committing sexual violence against women in custody, and torturing and otherwise ill-treating detained protesters in the parliament and Cabinet Offices buildings, have been held to account. This is despite the fact that many protesters and witnesses told Amnesty International that they had filed complaints with the prosecution and other authorities and were able to identify perpetrators, some of whom appeared in videos and photos wielding guns or beating protesters.

THE RIGHT TO A GENUINE REVIEW

The review of the conviction and sentence must be a genuine review of the issues in the case, including reviewing the sufficiency of the incriminating evidence. Despite the defence requests throughout the judicial proceedings, no audio-visual or other material evidence linking Ahmed Douma to any alleged violent acts during the “Cabinet events” was presented during his trial or re-trial and the verdicts against him relied heavily on witness testimony by police officers and other government employees. He was convicted based on flawed and insufficient evidence that failed to meet the standard of “beyond a reasonable doubt” of his individual responsibility in the alleged crimes.

Further, as highlighted earlier, the court retrying his case also violated his fair trial rights, including his right to a fair and public hearing before a competent, independent, and impartial tribunal, and failed to ensure equality of arms between the prosecution and defence.

"LET THE 'REVOLUTION' SAVE YOU (FROM TORTURE)"

ENFORCED DISAPPEARANCE, TORTURE AND OTHER ILL-TREATMENT

Following his arrest on 12 January 2012 by security forces, Ahmed Douma was questioned by the prosecution over his participation in the “Cabinet events”. Security forces then subjected him to an enforced disappearance for 18 days, during which period authorities refused to reveal his fate and whereabouts or allow him any contact with his family and lawyers. On 31 January 2012, [following media coverage](#) of his enforced disappearance, the ministry of interior informed his family and lawyers that he was transferred from Tanta Prison to Tora Reception (*Istiqbal*) Prison.

In 9 April 2012, he was provisionally released pending investigations. Two days later, he [publicly spoke](#) about a police officer at Tanta Prison subjecting him and other detainees to torture and other ill-treatment, including by stripping them down to their underwear, beating and suspending them by their bound wrists from iron pipes. According to Ahmed Douma's interview and other information gathered by Amnesty International, the police officer repeatedly forced him to kneel and lower his body into a bucket of sewage. Ahmed Douma also reported that guards severely beat him on different parts of his body for refusing to obey the officer's orders intended to humiliate him. He believes that he was tortured to punish him for his role in the 25 January 2011 uprising, as the officer repeatedly told him "Let the 'Revolution' save you (from torture)". Consistent with the pattern of pervasive impunity in Egypt, prosecutors failed to investigate his allegations of torture and other ill-treatment.

In its opinion regarding Ahmed Douma's arbitrary detention in relation to his participation in the November 2013 protests, [the UN WGAD](#), stated that it had received information about security forces beating him, along with two co-defendants, inside the court building before they had entered the courtroom for their appeal hearing on 10 March 2014. The submission stated that judges refused to see the bruises Ahmed Douma and another co-defendant have attempted to show them or to refer the men to forensic examination despite lawyers' requests.

According to [Amnesty International's research into the crackdown on the sit-in in front of the Cabinet Offices in December 2011](#), several protesters arrested in connection to the events reported being subjected to torture and other ill-treatment and some told the organization that they made “confessions” under torture.

CRUEL PRISON CONDITIONS

Authorities at Tora Investigations (*Tahqiq*) Prison subjected Ahmed Douma to torture including by holding him in prolonged solitary confinement in cruel and inhuman detention conditions and repeatedly denying him adequate health care in prison.

Egyptian authorities placed Ahmed Douma in solitary confinement for a total of four years and eight months. He was finally removed from solitary confinement in February 2019.

[In a report issued in 2018](#), Amnesty International found that Egyptian prison authorities were responsible for committing torture in Ahmed Douma's case as he was subjected to prolonged solitary confinement, held in cells in inhumane conditions and denied access to adequate health care. Ahmed Douma's ex-wife told Amnesty International that during his solitary confinement prison authorities kept him in isolation, preventing any meaningful human contact. "Unlike other prisoners who used to spend two hours every day together in the prison yard, Ahmed was only allowed to walk in the prison yard for one hour after the other prisoners have finished their exercise," she said.

According to his family, Ahmed Douma had severe pain in different parts of his body as a result of being confined to his cell for more than 22 hours a day in poor prison conditions. He has knee and back pains resulting from his lack of movement and the absence of a bed, and sometimes even a mattress, in his solitary confinement cell. He also has high blood pressure, insomnia, constant headaches, severe depression, and panic attacks.

Since 2013, Tora prison authorities have intermittently denied Ahmed Douma adequate health care in prison, including on several occasions refusing to transfer him to outside hospitals despite recommendations by prison doctors. During a court hearing on 9 December 2014, Ahmed Douma told the presiding judge that he was denied medical care and banned three times from being transferred to an outside hospital when his health deteriorated. The judge ignored his complaint.

His family said that prison officials prevented him from receiving medicine prescribed by his private doctors to treat his depression and high blood pressure, which they attempted to deliver from March till November 2019, without providing any reason. According to his relatives, prison officials continue to ignore the prison doctor's request to provide him with a bed and a medical mattress to alleviate his knee and back pains.

Ahmed Douma's lawyer filed four complaints on behalf of his client in February 2017 regarding the deterioration of his health in solitary confinement and the refusal of the prison authorities to provide him with the necessary medical care, but prosecutors failed to investigate these complaints.

[Following its research into the situation in 16 prisons across the country, Amnesty International found that](#) prison officials impose particularly cruel and inhuman detention conditions on certain individuals held in relation to political cases for the apparent purpose of punishing dissent. When such deliberate denial causes "severe pain and suffering", it amounts to torture.

Amnesty International calls on the Egyptian authorities to release Ahmed Douma given the grossly unfair and politically motivated proceedings leading to his conviction and sentencing; to effectively investigate his allegations of enforced disappearance, torture and other-ill-treatment with a view to bringing those responsible to justice; and to provide him with adequate remedy and reparation commensurate with the severity of violations and harm suffered.

BACKGROUND

Ahmed Douma had previously been detained and prosecuted several times for his vocal criticism of successive governments in Egypt: in 2009, during the era of former president Hosni Mubarak; in 2012, under the rule of the Supreme Council of the Armed Forces (SCAF); and in 2013, during Mohamed Morsi's presidency, when a court in the city of Tanta sentenced him to six months in prison for "insulting the president".

Ahmed Douma was detained and prosecuted as part of a wider crackdown on any form of dissent following the ouster of President Morsi in July 2013. Since 2013, the Egyptian authorities have arbitrarily detained thousands of individuals solely for exercising rights guaranteed under international law or on the basis of grossly unfair trials, including mass trials before civilian and military courts. Thousands are held in prolonged pre-trial detention without charge, trial or the possibility to challenge the lawfulness of their detention. Security forces have repeatedly used unnecessary and excessive force, including lethal force, to repress protests, while enshrining impunity for members of the armed and security forces who are reasonably suspected of committing grave human rights violations in the context of the crackdown.

On 28 April 2014, the Cairo Court of Urgent Matters banned the 6 April Youth movement, which Ahmed Douma co-founded, initially to support a 2008 industrial strike in Mahalla al-Kubra in the Nile Delta of Egypt. The banned movement played a prominent role in the 2011 uprising.